

Message

From: Marraccini, Davina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=66FECFE52DC84D8DB7AB0859ADEE8426-MARRACCINI, DAVINA]
Sent: 12/22/2020 6:14:13 PM
To: Michael Phillis [michael.phillis@law360.com]
BCC: Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Wise, Allison [Wise.Allison@epa.gov]
Subject: Re: Reporter Inquiry - Florida Section 404 Program

Hi again Michael,

Please see the response to your inquiry below:

On December 17, 2020, EPA approved the State of Florida's request to assume administration of a Clean Water Act (CWA) Section 404 program. Florida's submission met the standards established under Section 404 of the CWA and implementing regulations to ensure that Florida's program will protect the state's aquatic resources to the same extent as the existing federal permitting program, or better. EPA conducted its review pursuant to the requirements of the CWA Section 404 and implementing regulations. EPA's approval is based on consideration of information provided by the State of Florida, information obtained during consultation, and written and oral comments received during a 47-day public comment period. Although Florida's issuance of State 404 permits are not federal actions and therefore do not trigger NEPA, permits issued under Florida's 404 program will be evaluated against the same environmental review criteria applicable to federally-issued Section 404 permits. Florida's 404 program also provides for significant state and federal interaction and review. Florida's Section 404 program for regulating the discharge of dredged or fill material into waters within the jurisdiction of the State as provided under CWA Section 404(g) became effective today. The federal register notice is posted at: <https://www.epa.gov/publicnotices/notice-epas-approval-floridas-clean-water-act-section-404-assumption-request>. You can access the documents in the docket, including the responses to comments, by clicking on the "View More Documents" link at the top left of the webpage.

Davina Marraccini

Government Liaison

U.S. Environmental Protection Agency - Region 4

404-562-8293 (office)

Ex. 6 Personal Privacy (PP) (cell)

marraccini.davina@epa.gov



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Sent from my iPhone

On Dec 22, 2020, at 1:02 PM, Marraccini.Davina@epa.gov wrote:

Hi Michael,

I'm still working on this and hope to have an update to you soon. Apologies for the delay.

-Davina

Sent from my iPhone

On Dec 21, 2020, at 5:00 PM, Michael Phillis <michael.phillis@law360.com> wrote:

I am going to be able to accept a response through 1 p.m. tomorrow.

Thanks,
Mike

On Mon, Dec 21, 2020 at 4:16 PM Michael Phillis
<michael.phillis@law360.com> wrote:

Thank you for letting me know. The Olin inquiry deadline has passed. I am still interested in the 404 program questions, however, especially if those questions can be answered by the end of day.

Sincerely,
Mike

On Mon, Dec 21, 2020 at 4:15 PM Marraccini, Davina
<Marraccini.Davina@epa.gov> wrote:

Hi Michael,

Your inquiries regarding FL's 404 program and the Olin Site were forwarded to my office. We're still working on both and I know your deadlines have passed. Would it be OK to follow-up with you later today or tomorrow?

Thank you,

Davina Marraccini

Government Liaison

U.S. Environmental Protection Agency - Region 4

404-562-8293 (office)

Ex. 6 Personal Privacy (PP) cell)

marraccini.davina@epa.gov

<image001.png>

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From: Michael Phillis <michael.phillis@law360.com>

Sent: Monday, December 21, 2020 11:13 AM

To: Press <Press@epa.gov>

Subject: Reporter Inquiry - Florida Section 404 Program

Hello,

I hope you are doing well. We are writing about the practical implications of Florida administering the Section 404 program. I have seen the press release put out on this.

First, I'm looking for the document referred to on page three here:

<https://public-inspection.federalregister.gov/2020-28232.pdf>

On that page it says, *"A summary of the comments received, EPA's responses to the comments, and a memorandum documenting the basis for EPA's decision ("State of Florida's Request to Assume a Clean Water Act Section 404 Program", December 17, 2020) can be found in the docket for this action (Docket ID No. EPA- HQ-OW-2018-0640)."*

Has that document been released yet as I'm not able to find it? If not when will it be?

And my questions on this are:

Environmental advocates have raised concerns about the fact that NEPA won't be part of reviews for major projects under the change. Do you agree with that assessment and what is your comment on the reduced public participation that may result?

And second, advocates argue that the consultation process under the normal federally-administered program is stronger than what is being put forward in this Florida program. What is your response to that criticism?

Thank you in advance for your time. I'm writing on a 4:30 p.m. eastern deadline.

Sincerely,

Michael Phillis
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